

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

HUMPHREY O. UDDOH,

Plaintiff,

V.

SELECTIVE INSURANCE COMPANY  
OF AMERICA et al.,

Defendants.

**Civil Action No. 13-2719 (SRC)**

## OPINION & ORDER

**CHESLER, District Judge**

This matter comes before the Court on two motions: 1) the motion for judgment on the pleadings by Defendants CNC Catastrophic and National Claims (“CNC”) and Paul Pierce (“Pierce”); and 2) the cross-motion for various relief by Plaintiff Humphrey O. Uddoh. For the reasons stated below, both motions will be denied.

On September 13, 2013, CNC and Pierce moved to dismiss the Complaint, arguing, *inter alia*, that the claim for trespass failed to state a valid claim for relief. On January 16, 2014, this Court issued an Opinion and Order which, *inter alia*, denied the motion to dismiss the trespass claim. CNC and Pierce now, again, contend that the Complaint fails to state a valid trespass claim, but this time on the ground that the Complaint does not adequately plead damages. This is meritless, as the Complaint's theory of damages from the alleged trespass is clearly stated. (See Compl. ¶ 18.) The motion for judgment on the pleadings will be denied.

In opposition, Plaintiff filed a putative cross-motion for leave to amend the Complaint, to compel discovery, and for sanctions. L. Civ. R. 7.1(h) states: “A cross-motion related to the

subject matter of the original motion may be filed by the party opposing the motion together with that party's opposition papers . . ." Pursuant to this rule, the cross-motion must be "related to the subject matter of the original motion." Defendants' motion for judgment on the pleadings is not related to the subject matter of the cross-motion to amend the tortious interference claim, to compel discovery, or for sanctions. The cross-motion is not a proper cross motion under L. Civ. R. 7.1(h) and will be denied.

For these reasons,

**IT IS** on this 21st day of October, 2014, hereby

**ORDERED** that the motion for judgment on the pleadings by Defendants CNC and Pierce (Docket Entry No. 65) is **DENIED**; and it is further

**ORDERED** that Plaintiff's cross-motion for various relief (Docket Entry No. 75) is **DENIED**.

s/ Stanley R. Chesler  
Stanley R. Chesler, U.S.D.J